

Message Text

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PAGE 01 STATE 028766

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ORIGIN ORM-02

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FM SECSTATE WASHDC

TO USMISSION GENEVA

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TAGS: SREF

SUBJECT: ELIGIBILITY OF RETURNEES FROM ISRAEL FOR USRP
TYPE ASSISTANCE

REF: (A) STATE 233082; (B) GENEVA 7248; (C) STATE 223658;
(D) STATE 26610

1. WHILE DEPT. IS UNDERTAKING REVIEW PER REF (D) WE WOULD APPRECIATE MISSION REVIEW OF THE CRITERIA PRESENTLY APPLIED IN DETERMINING ELIGIBILITY OF RETURNING SOVIET MIGRANTS FROM ISRAEL FOR USRP ASSISTANCE. MISSION'S LETTER TO THE VOLAGS DATED OCTOBER 3 APPEARS TO EMPHASIZE THE MORE RESTRICTIVE ASPECTS OF OUR POLICY RATHER THAN ITS FLEXIBILITY. THIS APPEARS CONFIRMED BY THE GAO LETTER OF DECEMBER 22, 1975 TO THE MISSION WHICH COMMENTED ON THE DIFFERENCE BETWEEN USRP ELIGIBILITY CRITERIA AND INS CRITERIA FOR 7TH PREFERENCE WITH USRP CRITERIA BEING CONSIDERED MORE RESTRICTIVE.

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PAGE 02 STATE 028766

2. OUR ORIGINAL INTENT (REF C) WAS TO BRING OUR POLICY

MORE IN LINE WITH THAT OF INS. WE AGREE WITH INS GENERAL COUNSEL'S VIEWS THAT POSSESSION OF AN ISRAELI PASSPORT DOES NOT MAKE A SOVIET RETURNEE INELIGIBLE FOR REFUGEE STATUS IF HE CAN GENERALLY DEMONSTRATE THAT HE OBTAINED A SOVIET EXIT PERMIT FOR ISRAEL AS A MEANS OF LEAVING THE SOVIET UNION BUT THAT HIS INTENT WAS TO RESETTLE IN THE UNITED STATES. WE RECOGNIZE THAT INTENT IS DIFFICULT TO PROVE OR DISPROVE. HOWEVER, THE SOVIET REFUGEE CAN DEMONSTRATE THIS INTENT BY SUBSEQUENT ACTIONS IN ISRAEL. DID HE BEGIN TO MAKE HIS EFFORTS TO LEAVE ISRAEL SOON AFTER HIS ARRIVAL THERE? WHAT WERE THESE ACTIONS? IN ESSENCE, DID THE MIGRANT BECOME ESTABLISHED IN ISRAEL SO THAT HE IS MORE PROPERLY CLASSIFIED AS AN IMMIGRANT RATHER THAN A REFUGEE?

3. WE BELIEVE THAT THE NUMBERS OF SOVIET EMIGRANTS EX-ISRAEL WHO CAN MEET USRP ELIGIBILITY CRITERIA SHOULD DECREASE OVER THE LONG-TERM. ALMOST ALL SOVIET EMIGRANTS NOW LEAVING THE USSR WITH EXIT VISAS FOR ISRAEL SHOULD BE ABLE TO MAKE THEIR INTENTIONS KNOWN TO MIGRATE TO COUNTRIES OTHER THAN ISRAEL WHEN THEY FIRST ARRIVE IN VIENNA. AT THE SAME TIME WE DO NOT WISH TO PRECLUDE CONSIDERATION OF ANY DESERVING CASES ONLY BECAUSE THEY BEAR AN ISRAELI PASSPORT RATHER THAN A LAISSEZ-PASSER. USRP ELIGIBILITY CRITERIA FOR RETURNEES FROM ISRAEL REQUIRE A DIFFICULT JUDGMENT ON THE PART OF THE REVIEWING OFFICER. IN MAKING A DETERMINATION, HE SHOULD ATTEMPT TO ELICIT AS MUCH INFORMATION AS POSSIBLE FROM THE REFUGEE/VOLAG WHICH WOULD HELP ESTABLISH THE ELIGIBILITY OF THE RETURNEE FOR USRP AID.

4. THE MISSION SHOULD RE-STUDY THIS MATTER AND PROVIDE FURTHER COMMENTS.
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